

## REMARKS

Applicant respectfully request entry of the above-noted amendments to the specification to correct minor typographical errors. Applicant requests amendment of claims 1-4, 7, 9-11, 14-16, 20-21, 23, and 30-32. Accordingly, after entry of the above-requested amendments, claims 1-32 are pending in the present application with claims 1, 15, 16, 23, and 30 being independent claims.

### Rejections under 35 U.S.C. § 102

Claims 1-20 and 22-32 stand rejected under 35 U.S.C. § 102 as being anticipated by PCT Application No. WO 00/33576 to Ward et al. [hereinafter Ward] and claim 21 stands rejected under 35 U.S.C. § 103. Applicant respectfully traverses the rejections as follows.

### Independent Claim 1

Claim 1, as amended, recites, *inter alia*, assigning a priority level to each of the indicators, and delivering the at least one indicator and associated identifier to at least one client system based on the assigned priority level of the at least one indicator. The cited sections of Ward do not teach or suggest these features of claim 1. Specifically, in rejecting claim 4, the Office action cites page 7, lines 14-16 of Ward which states: "The headlines are ordered by display priority from newest (top) to oldest (bottom) based on the date/time receipt of the headline." In this manner, the client system of Ward receives the headlines and then orders the headlines based on the date and time of the reception of the headline. In contrast, claim 1 recites that the priority is assigned to the at least on indicator, and then the delivery of the at least one indicator to the client system is *based on the assigned priority level*. If the time of *receipt* of a headline at the client system in Ward is a 'priority level', then Ward assigns the priority level at the client

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system. Thus, the assignment of the priority in Ward does not occur before delivery of the headlines to the client system in Ward, and moreover, the delivery of the headlines in Ward is not based upon the assigned priority. In this manner, Ward does not teach or suggest the features of claim 1 as amended.

Accordingly, Applicant believes that claim 1 distinguishes over the cited art and the rejection under § 102 should be withdrawn. Claims 2- 14 depend from independent claim 1 and are patentable for at least the foregoing reasons.

#### Independent Claim 15

Claim 15, as amended, recites, *inter alia*, assigning a first priority to said first event-based content, assigning a second priority different from the first priority to the second event-based content, inserting the first data packet and then the second data packet into the data stream when the first priority is greater than the second priority, and sending the data stream to a client system. The cited sections of Ward do not teach or suggest these features of Ward.

With reference to the recited assignment of priorities in claim 15, the Office action cites Ward, page 10, line 5-11 which states: "In an alternative embodiment, the sporting categories are organized based on the sporting season. ... In another embodiment, the sporting categories are organized based on the type of sports watched most often by the viewer, or based on the type of sporting event most often selected from the sports guide." With reference to the recited insertion of the first data packet and then the second data packet into the data stream when the first priority is greater than the second priority, the Office action cites Ward, page 8, line 34-page, 9, line 4 which states: "According to one embodiment of the invention, scores of various sporting events and other sports related information to be stored in the sports database are

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transmitted in data packets through the VBI lines of a television channel broadcast along with their corresponding IDs. The IDs depict the service and provider from where the sport related information emanates.” Applicant disagrees that these sections of Ward teach or suggest the features of claim 15 including inserting the first data packet and *then* the second data packet into the data stream when the first priority is greater than the second priority, and sending the data stream to a client system. In contrast, the cited sections of Ward suggest that the priority is assigned by the client system, e.g., based upon the sporting season, the type of sports most often watched or selected by the viewer of the client system.

Moreover, even if Ward did teach assigning a priority before transmitting the data packets, ordering of a *display* of headlines or sporting events in accordance with a season or viewer preference, as suggested by Ward, does not teach or suggest that the ordering of the *transmission* of the data packets is in accordance with the assigned priority, as recited by claim 15. The Office action interprets Ward, page 8, line 34–page 9, line 4 as suggesting that “the first data packet and then the second data packet are inserted into the data stream when the first priority is greater than the second priority *because the first priority score will be displayed before the second priority score.*” (emphasis added). Applicant respectfully disagrees. Ward makes no teaching or suggestion that the order of display corresponds to the order of transmission. In fact, Ward teaches away from such an interpretation. More specifically, Ward, at page 7, lines 14–19, states: “The headlines are ordered by display priority from newest (top) to oldest (bottom) based on the date/time of the receipt of the headline.” Thus, the last (most recent) headline received by the client system of Ward is displayed first, and the first (oldest) received headline is displayed last. Thus, Ward directly teaches the opposite of the interpretation suggested by the Office action. Thus, claim 15 distinguishes over the cited art such that the rejection of claim 15 should be withdrawn.

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Moreover, even were the Office action's 'interpretation' of Ward possible, it is not *inherent* in the teachings of Ward. Specifically, it does not necessarily follow from the teachings of Ward that the first data packet and then the second data packet are inserted into the data stream when the first priority is greater than the second priority. In this manner, it appears that the rejection of claim 15 using the Office action's 'interpretation' of Ward is improper under 35 U.S.C. § 102. If the Office action meant to provide a rejection under 35 U.S.C. § 103, Applicant believes that Ward does not provide any teaching or motivation to modify Ward to insert the first data packet and *then* the second data packet into the data stream when the first priority is greater than the second priority as recited by claim 15. Moreover, as noted above, Ward teaches away from such a motivation to modify. Thus, claim 15 distinguishes over the cited art under both § 102 and § 103 and should be allowed.

#### Independent Claim 16

Ward does not teach or suggest the features of claim 16, as amended, including, *inter alia*, an event producer for assigning each of the data feeds one of a set of priority attributes and sorting the data feeds according to their assigned priority attributes. The Office action states that "it is inherent that an event producer must be present in the system of Ward et al. because Ward et al. teach the client system can receive scores of sporting events according to a predetermined priority assignment" and cites Ward, page 10, lines 5-11. However, similar to the arguments above with respect to claim 15, this section of Ward is directed toward how the *client system displays* the received sporting categories. More particularly, this cited section of Ward does not teach or suggest anything about formatting or sorting the *data feeds* according to the priority attributes to be output to a *content aggregator*. Moreover, even if assignment and sorting could occur prior to transmission to the client system, the teachings of Ward do not make

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such assignment and sorting a deliberate or necessary consequence of a display which shows sorted headlines. In fact, Ward provides a different example in one embodiment. Specifically, Ward at page 7, lines 14–16 states “The headlines are ordered by display priority from newest (top) to oldest (bottom) based on the date/time receipt of the headline.” As noted above with respect to claim 1, if the time of *receipt* of a headline at the client system in Ward is a ‘priority level’, then Ward assigns the priority level at the client system. In this manner, an event producer is *not* inherent to the teachings of Ward, since it does not necessarily follow that an event producer assigns and sorts data feeds before sending the data feeds to the client system. In fact, Ward provides a specific example which suggests the opposite – that the client system assigns the priorities. Thus, Applicant believes that the rejection of claim 16 under § 102 is improper and should be withdrawn.

Ward also does not teach or suggest the features of claim 16 including, *inter alia*, a content aggregator cascaded with the event producer for aggregating the output data feeds from the event producer and sending the stream of broadcast content based on the aggregated data feeds to a client system. In the rejection of claim 16, the Office action cites page 8, line 34–page 9, line 4 of Ward which states “According to one embodiment of the invention, scores of various sporting events and other sports related information to be stored in the sports database are transmitted in data packets through the VBI lines of a television channel broadcast along with their corresponding IDs. The IDs depict the service and provider from where the sport related information emanates.” The Office action interprets this section of Ward as *inherently* disclosing “a content aggregator that is in communication with the event producer and generates the stream of broadcast content that is transmitted to the client devices using the VBI of the broadcast channels.” Applicant respectfully disagrees. Rather, as noted above, Ward does not teach or suggest an event producer. Thus, Ward cannot teach or suggest a

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content aggregator cascaded with the event producer as claimed in claim 16. Moreover, the fact that sporting events in Ward may be transmitted in data packets through VBI lines of a television channel does not teach or suggest, much less make inherent, that the data packets are *aggregated* from the sorted data feeds of the event producer, even if one were to exist in Ward.

Accordingly, Applicant believes that claim 16 distinguishes over the cited art and the rejection under § 102 should be withdrawn. Claims 17– 22 depend from independent claim 16 and are patentable for at least the foregoing reasons.

#### Independent Claim 23

Claim 23 recites, *inter alia*, a data provider and a broadcast server. In claim 16, the data provider is disposed to assign a first priority to the first dynamic content and a second priority to the second dynamic content, the first priority being different from the second priority, to sort the first and second data content based on the assigned first and second priorities, and to deliver the sorted first and second dynamic content together with the event identifiers as a data stream. The broadcast server is disposed to receive the data stream and to provide the data stream to one or more client systems based on the first and second priorities. Ward does not teach or suggest these features of claim 16. As noted above with respect to claims 1 and 15, Ward does not teach or suggest prioritizing dynamic content before delivering that content to the client system. Moreover, Ward does not teach or suggest sorting that content based on the priorities and using those priorities as a basis for a broadcast server to provide the data stream to a client system. In addition, such a prioritization, sorting, and provision based on the priorities is not inherent in Ward. Moreover, there is no motivation to modify Ward to

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provide the data stream based on the priorities. Thus, Ward does not teach or suggest the features of claim 23, and claim 23 should be allowed.

Accordingly, Applicant believes that claim 23 distinguishes over the cited art and the rejection under § 102 should be withdrawn. Claims 24– 29 depend from independent claim 23 and are patentable for at least the foregoing reasons.

#### Independent Claim 30

Claim 30, as amended, recites, *inter alia*, assigning a first priority to the tunable alert, assigning a second priority lower than the first priority to the second event identifier, delivering the tunable alert to one or more client devices, and after delivering the tunable alert, then delivering the second event identifier to the one or more client devices. Ward does not teach or suggest these features of claim 30. As noted above with respect to claims 1, 15, and 23, Ward does not teach or suggest transmitting data content based on assigned priority levels. Rather, the priority, if any, in Ward is assigned at the client device. Moreover, even were Ward to teach assigning a priority level at a device prior to transmission to the client device, there is no teaching or suggestion in Ward that higher priority items would be transmitted *before* lower priority items, and even further, that a tunable alert with a high priority would be transmitted before other event identifiers with a lower priority. In fact, as noted by the Office action with regard to the rejections of claim 1, Ward may be interpreted to order the transmission based on the display order, and not the priority of a tunable alert over other event data. Thus, Ward does not teach or suggest, nor provide a motivation to modify to achieve, the features of claim 30 as amended.

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Accordingly, Applicant believes that claim 30 distinguishes over the cited art and the rejection under § 102 should be withdrawn. Claims 31– 32 depend from independent claim 30 and are patentable for at least the foregoing reasons.

#### CONCLUSION

Accordingly, in view of the above amendment and remarks it is submitted that the claims are patentably distinct over the prior art and that all the rejections to the claims have been overcome. Reconsideration and reexamination of the above Application is requested. Based on the foregoing, Applicants respectfully requests that the pending claims be allowed, and that a timely Notice of Allowance be issued in this case. If the Examiner believes, after this amendment, that the application is not in condition for allowance, the Examiner is requested to call the Applicant's attorney at the telephone number listed below.

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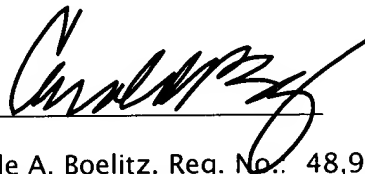


If this response is not considered timely filed and if a request for an extension of time is otherwise absent, Applicants hereby request any necessary extension of time. If there is a fee occasioned by this response, including an extension fee that is not covered by an enclosed check please charge any deficiency to Deposit Account No. 50-0463.

Respectfully submitted,

Microsoft Corporation

Date: 10/5/05

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